

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.47167 of 2019
Date of Decision: 29.1.2020**

BARUN SHARMA

.....Petitioner

VS

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Gors, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.Rakesh Gupta, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C.
seeking anticipatory bail in case bearing FIR No.113 dated
28.7.2019 under Section 306 IPC registered at Police Station
-A Division, District Police Commissionerate, Amritsar.

In compliance of order dated 2.12.2019 passed by
this Court, learned counsel for the petitioner has submitted a list
of persons working under the petitioner to whom specific
directions were given in respect of meeting specific targets set
by the company.

The company had set the target of sales update till 24.6.2019. Those targets were required to be achieved with Naturogest 100% and that was conveyed to all the persons working under the petitioner..

At the time of issuance of notice of motion, following order was passed on 5.11.2019:-

“Learned counsel for the petitioner submits that the petitioner being the regional head of the company for which the deceased was working, it is was a part of the petitioners' job to set targets which employees were expected to meet, and simply because the petitioner may have even put some pressure on the deceased to meet those targets, he cannot be held responsible for the deceased committing suicide.

Without making any comment on the actual merits of the case at this stage, simply to determine as to what has been unearthed by the investigating agency, let notice of motion be issued, returnable on 2.12.2019, with the complainant in the FIR, i.e. Manish Sharma son of late Sh.Tarlochan Sharma, resident of House no.89/17A, New Milap Nagar, near Manav Chowk, Ambala City, Haryana,

ordered to be impleaded as respondent no.2 in the petition, with the Registry directed to carry out the necessary corrections in the memo of parties.

Respondent no.2 be served through dasti process also.

In the meanwhile, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.”

Learned State counsel, on instructions from SI Manjit Singh, states that the petitioner has joined the investigation and he is not required in any further investigation of the case.

Learned counsel for the petitioner has relied upon the

suicide note left by deceased Ashish Sharma. The contents of the suicide note are relevant to be referred herein:-

“I am committing suicide the reason for myself committing suicide is my company in which I am working the name of the company is ZYDUS HEATHCARE LTD. Since the day I joined the company I was under pressure of targets and for fulfilling the targets I had to do trading in which lot of amount was used due to which I became indebted to lakhs of rupees which I have not been able to repay. I love my family a lot which is dependent upon me to a major extent hence after my death my union HMRA Ambala of whom I am a member will fight for me and will help my family. I am posted in Ambala City in the company I never thought that I will do this. On the card attached to my bag my address of Ambala and emergency contact number is written.”

The alleged complicity of the petitioner in relation to the suicide note shall remain debatable for want of specific name incorporated therein. In order to constitute an offence under Section 306 IPC, there has to be a concerted effort made by the accused in order to abet commission of crime.

Since the petitioner has joined the investigation, at

this stage, without meaning anything on the merits of the case, interim order dated 5.11.2019 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of accordingly.

January 29, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No